

Message

From: Jordan, Scott [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=844C5777FEA243D7A7B880C54E2CD2A7-JORDAN, SCOTT]
Sent: 1/10/2018 11:56:10 AM
To: OGC ARLO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df4487d0b7ff4f33b0c7bdb04a3af782-OGC ARLO]
CC: Costa, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b345ca759fae4b7fb1afa4c500d4cfb7-ACosta]
Subject: Question re "public comment" on final agency action (CAFO Denial Letter)

Fellow ARLOites –

My question is what do we do with an email that is labeled a “public comment” but which is sent after publication of a final agency action?

Background: Ex. 5

Ex. 5

Does anyone have any experience with a similar situation or have any insight into this situation?

Thanks,

Scott Jordan
Air and Radiation Law Office
Office of General Counsel
202-564-7508

From: Costa, Allison
Sent: Tuesday, January 09, 2018 12:00 PM
To: Jordan, Scott <Jordan.Scott@epa.gov>
Subject: Quick CAFO Petition Question

Hi Scott,

I got the email below after the FR notice about the CAFO petition was published. Ex. 5

Ex. 5

Thanks,
Allison

Allison Costa
U.S. EPA | Natural Resources Group | Sector Policies and Programs Division, OAQPS

109 T.W. Alexander Drive (Mail Drop E143-03) | Research Triangle Park, NC 27711

Phone: 919.541.1322 | email: Costa.Allison@epa.gov

From: **Personal Email - Ex. 6**

Sent: Wednesday, December 27, 2017 4:35 PM

To: HUMANELINES@HSUS.ORG; INFO@PETA.ORG; INFO@IDAUSA.ORG; INFO@MERCYFORANIMALS.ORG; INFO@COK.NET; INFORMATION@SIERRACLUB.ORG; INFO@PEER.ORG; Costa, Allison <Costa.Allison@epa.gov>; AMERICANVOICES@MAIL.HOUSE.GOV

Cc: INFO@NJPIRG.ORG; INFO@NYCLASS.ORG; FOE@FOE.ORG; CENTER@BIOLOGICALDIVERSITY.ORG; info@earthjustice.org; LETTERS@NYTIMES.ORG; YOURVIEWS@APP.COM

Subject: Fwd: PUBLIC COMMENT ON FEDERAL REGISTER

CAFOS ARE EMITTING SEWER LIKE SMELLS. ALL KNOW THAT WORKERS ON THESE FARMS WITH ANIMAL WASTE FALL INTO THE PONDS AND DIE FROM THE SMELL, SO CERTAINLY THIS IS AN ISSUE THAT DEMANDS CLEAN AIR ACT STANDARDS AND METHODS THAT NEED TO BE DEMANDED OF THOSE IN THIS BUSINESS AND MANDATED IN THEIR OPERATION THIS ACTION BY THIS PEURILE FEDERAL FAT CAT SWAMP AGENCY NEEDS TO BE CHANGED. WE NEED TO HAVE THIS GOVT AGENCY ACT FOR THE BENEFIT OF ALL AMERICANS, NOT FOR THE BENEFIT SOLELY OF THOSE IN THE ANIMAL ABUSE BUSINESS LIKE FACTORY FARMS AND CAFOS. THIS ACTION ENEDS TO BE TAKEN FURTHER. BECAUSE WE HAVE A FAT CAT SWAMP BUREAUCRACY THAT IS ACTING FOR RICH AGRIBUSINES PROFITEERS AND AGAINST THE INTERESTS OF EVERYBODY IN THIS COUNTRY WHO NEEDS TO BREATHE. WE NEED ACTION TO STOP THIS DENIAL OF THIS PETITION. THIS AGENCY NEEDS TO RESPOND TO THE BEST HEALTH INTERESTS OF THE PEOPLE OF THIS NATION, NOT MONEY AND SELFISH PROFITEERING INTERESTS. WE WANT CHANGE HERE. WE DEMAND CHANGE HERE. THIS COMMENT IS FOR THE PUBLIC RECORD PLEASE RECEIPT. B KER.

Personal Email - Ex. 6

[Federal Register Volume 82, Number 246 (Tuesday, December 26, 2017)]

[Proposed Rules]

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From the Federal Register Online via the Government Publishing Office [www.gpo.gov]

[FR Doc No: 2017-27622]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2017-0638; FRL-9972-45-OAR]

Denial of Petition To List Concentrated Animal Feeding Operations
Under Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action denying petition for rulemaking.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is providing notice that it has responded to a petition for rulemaking titled ``Petition To List Concentrated Animal Feeding Operations under Clean Air Act Section 111(b)(1)(A) of the Clean Air Act, and To Promulgate Standards of Performance Under Clean Air Act Sections 111(b)(1)(B) and

111(d).'' The Administrator denied the request in a separate letter to the petitioners. The letter, which provides a full explanation of the agency's rationale for the denial, is in the docket for this action.

DATES: This action is effective on December 26, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Allison Costa, Sector Policies and Programs Division (E143-03), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-1322; fax number: (919) 541-0516; email address: costa.allison@epa.gov.

SUPPLEMENTARY INFORMATION:

I. How can I get copies of this document and other related information?

This Federal Register document, the petition for rulemaking, and the letter denying the petition for rulemaking are available in the docket the EPA established under Docket ID No. EPA-HQ-OAR-2017-0638. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the EPA Docket Center (EPA/DC), Room 3334, EPA WJC West Building, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Air Docket is (202) 566-1742.

II. Judicial Review

Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeals have venue for petitions for review of final EPA actions. This section provides, in part, that the petitions for review must be filed in the United States Court of Appeals for the District of Columbia Circuit if: (i) The agency action consists of ``nationally applicable regulations promulgated, or final action taken, by the Administrator,'' or (ii) such actions are locally or regionally applicable, if ``such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

Any petitions for review of the letter denying the petition to list concentrated animal feeding operations as a source category described in this notice must be filed in the United States Court of Appeals for the District of Columbia Circuit by February 26, 2018.

Dated: December 18, 2017.

E. Scott Pruitt,
Administrator.

[FR Doc. 2017-27622 Filed 12-22-17; 8:45 am]

BILLING CODE 6560-50-P